

MEMORANDUM



From: Stacey Inglis
Contaminated Land Officer

To: David Williams
Planning Control Manager

Our Ref: P/2020/0074

Your Ref: P/2020/0074

Date: 27 March 2020

**No. of
Pages:** 4

TOWN AND COUNTRY PLANNING ACT 1990

RE: P/2020/0072 SCRAP YARD, LLWYNEINION ROAD, LEGACY, WREXHAM, LL14 4ET

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 15 DWELLINGS INCLUDING SEGREGATED ECOLOGICAL AREA FOR GREAT CRESTED NEWTS

It is noted that the proposed development is sited on an area of land that was historically two landfills, known as 'Old Refuse Tip 1' and the 'Cable Tip', and a car dismantlers and scrap yard. Several contamination reports were submitted in support of a previous application (P/2016/0611) that was subsequently withdrawn. There has been extensive correspondence in relation to the outstanding contamination issues on this site and these are still applicable to this new application.

It was established that the residential development is suitable for the site in terms of safety, (in relation to landfill contamination issues) in the long term, and that all outstanding contamination issues can be dealt with via conditions on any future consent. However, please note that further contamination assessment works are required (i.e. standalone Gas Risk Assessment) and all the queries raised in previous memorandums issued under P/2016/0611 may still be applicable and will require a detailed response.

The following report has been submitted in support of this application, the report summarises the previous contamination assessments submitted under P/2016/0611 and additional works undertaken in November 2018.

- Smith Grant LLP, Stage 1 and 2 Supplementary Contamination Investigation and Assessment, For: The Paletta Pension Scheme, Dated December 2018 (R2499-R01-v1)

I have reviewed the above report in conjunction with the previous contamination reports submitted under P/2016/0611 and I can provide the following comments, please note that this also includes outstanding queries raised previously.

1. It is noted that the planning application covers a significantly larger area than has been investigated within the Stage 1 and 2 Contamination Investigation and Assessment. The report covers the area formerly occupied by Legacy Car Dismantlers and Scrap Yard but does not cover the area described within the planning application as a wildflower meadow and newt mitigation area. This area was formerly two landfills known as the 'Cable Tip and Old Refuse Tip 1', the landfill formerly known as the 'Cable Tip' has been investigated by the Council under Part 2A of the Environmental Protection Act, 1990. It was concluded that the 'Cable Tip' does not meet the legal definition of contaminated land; however this contamination assessment was based on the current use of the site and not any future development.

It is a requirement that a Human Health Risk Assessment for the 'Cable Tip' is undertaken to reflect the proposed change of use of the site as detailed within the planning application and should also include the area of the wildflower meadow and newt mitigation area that is not covered within the contamination assessment for the 'Cable Tip' (the area to the rear of Legacy car Dismantlers and Scrap Yard). Please note that this may involve additional site investigation and/or risk assessment.

2. Section 7.3.3 - During the Councils contamination assessment of the cable tip it had been noted that there were asbestos containing materials in the form of cement sheeting located close to the public right of way (between the depot and the boundary of the scrap yard). As the public right of way is within the planning boundary of the site there is the potential that this asbestos may still be present. This needs to be investigated further and if it is found to still be present then it should be appropriately disposed of, details of which will need to be supplied within the validation report for the site.
3. Section 8.2 and Section 9.7 – Please note that Natural Resources Wales have been consulted on the planning application for the site, therefore they will take the lead with respect to risks to controlled waters therefore I have not provided comments on this aspect of the report.
4. Section 8.4 and Section 9.5 – The information detailed in these sections has previously been submitted under P/2016/0611 and was sent out for an independent review by a leading expert in gas and vapour intrusion risk assessment:
 - Steve Wilson, Technical Director, The Environmental Protection Group Ltd (EPG)

EPG provided a written response, a copy of which is attached to this memorandum. I trust that a copy will be forwarded to the appropriate person(s) for action / comment:

- Letter, Review of Contamination Assessment & Letter Report, Former Scrapyard, Llwyneinion, by EPG Ltd, 23 April 2018. (EPG/2018/WCBC/Q2-L01)

In summary, EPG concur with Smith Grant that the residential development is suitable for the site in terms of safety, (in relation to landfill contamination issues) in the long term, and that all outstanding contamination issues can be dealt with via conditions on any future consent. However, EPG concur with WCBC that a standalone Gas Risk Assessment is required for the site. The letter report submitted by Smith Grant dated 15

February 2018 is not considered to provide a sufficiently robust assessment of gas / vapour risks.

The Gas Risk Assessment needs to provide a pictorial CSM and take into account all credible on-site and off-site gas sources. Where off-site gas sources are not considered to be credible the lines of evidence which support this decision need to be fully justified. It is considered that additional intrusive works are likely to be required to reduce data uncertainty and increase data confidence, notably with respect to off-site gas sources and potential VOC risks.

5. Section 9.4.5 – I am in agreement that TP8 and TP9 require further inspections/assessment to determine if contamination not encountered to date is present and whether any additional specific remedial measures are necessary. All additional inspections/assessments must be submitted to the Council for approval.
6. Section 6.2 – I am in agreement that a water supply pipeline risk assessment should be completed and submitted to the Council for written approval.
7. Section 6.3 – It is recommended that you take professional advice, from a suitably qualified person, regarding the risks to the below ground structures from the elevated sulphates identified. The resulting advice should be incorporated into the remediation strategy for the proposed development, outlining the concrete design and how it will be independently validated. This must be submitted to the Council for written approval prior to development works commencing.
8. Section 10 – I am in agreement with the outline remedial strategy in principal, however due consideration must be given to outstanding works, specifically those detailed above. It is essential that the above works are completed and the subsequent reports submitted to the Council for written approval prior to the finalising of the remedial strategy. Once finalised the remediation strategy must be submitted to the Council for written approval.

It is therefore recommended that the following conditions and note to applicants be applied to any future planning permission. **Please note that all Permitted Development rights should be removed from the 15 No. proposed residential dwellings.**

Conditions

SITE SPECIFIC CONTAMINATED LAND – PHASED INVESTIGATION

No development shall take place until a phased site investigation of the nature and extent of contamination, including a Gas Risk Assessment (as specified in letter reference EPG/2018/WCBC/Q2-L01), has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant

parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

You are also advised that the report as deposited provides information on the proposed ground improvement and foundation designs and advises that some ground improvement techniques are unsuitable ie Vibro Stone Piling. Therefore you are required to provide details of the ground improvement scheme and foundation design as part of the contamination remediation scheme as required above.

ZP02A VERIFICATION REPORT - CONTAMINATED LAND

Each part of the site subject to the remediation under the scheme(s) approved as part of condition @@ shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

Note to Applicants

A11NA SITE CONTAMINATION

Further advice on compliance with condition no. @@ may be obtained by contacting the Council's Environment and Planning section on 01978 298989 or contaminatedland@wrexham.gov.uk. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Council's Environment and Planning section prior to commencement of works on site.

Should you have any queries regarding the above then please contact me on Ext. 8773.

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Dave Sharp
Building Control Lead